

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TAMECUS REED,

Plaintiff,

v.

M. MIGUEL, et al.,

Defendants.

Case No. 1:20-cv-00121-JLT (PC)

**FINDINGS AND RECOMMENDATIONS
TO DISMISS DEFENDANTS AND CLAIM**

14-DAY DEADLINE

Clerk of the Court to assign a District Judge

the Court screened Plaintiff's complaint and found that it states cognizable retaliation claims against Defendants Miguel and Silva, but that the due process claim and the claims against Defendants Beltran and Cotter, were not cognizable. (Doc. 10.) The Court directed Plaintiff to file a first amended complaint curing the deficiencies identified in its order or notify the Court that he wishes to proceed only on the claims found cognizable. (*Id.* at 7.)

Plaintiff has now filed a notice that he wishes to proceed only on the claims found cognizable and to "dismiss [his] due process claim and dismiss Beltran and Cotter as defendants." (Doc. 11.) Accordingly, and for the reasons set forth in the Court's screening order (Doc. 10), the Court RECOMMENDS:

- 26 1. Defendants Beltran and Cotter be DISMISSED; and,
- 27 2. Plaintiff's due process claim (Claim II of the complaint) be DISMISSED.

28 The Court DIRECTS the Clerk of the Court to assign a district judge to this action.

1 These Findings and Recommendations will be submitted to the United States District
2 Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days of
3 the date of service of these Findings and Recommendations, Plaintiff may file written objections
4 with the Court. The document should be captioned, “Objections to Magistrate Judge’s Findings
5 and Recommendations.” Failure to file objections within the specified time may result in waiver
6 of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v.*
7 *Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

10 Dated: June 7, 2020

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE